IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5991 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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H B CHHATBAR - Petitioner(s)

Versus

STATE OF GUJARAT - Respondent(s)

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Appearance :

PARTY-IN-PERSON for Petitioner(s) : 1,
MR LB DABHI, AGP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 01/02/2006

ORAL JUDGMENT

1. The petitioner, namely, Mr.H.B.Chhatbar, has filed this petition under Articles 226 and 227

of the Constitution of India, seeking directions from this Court to the respondents to take the petitioner on duty immediately and to pay to the petitioner intervening salary as per order of the Hon'ble Supreme Court.

2. It is the case of the petitioner that the petitioner joined his duties on 6.11.1987, but respondents did not take the petitioner on duty within stipulated period of two weeks as stated in the order, which according to the petitioner was contempt of order of Hon'ble Supreme Court. The petitioner was deprived from salary and it was against the direction issued by the Hon'ble Supreme Court. It is further stated that the petitioner has visited respondent's office on 10.11.1987 and 13.11.1987, but he was not taken on duty. The petitioner, therefore, filed the present petition before this Court.

3. This Court has issued rule on 17.11.1987 making it returnable on 23.11.1987. The matter was, thereafter, adjourned from time to time. The office has issued letter on the petitioner on 12.10.2001 informing him that the matter was placed for final hearing and the petitioner was informed to remain personally present before the Court on 25.10.2001. It appears that the petitioner did not remain present in the Court. The matter is, therefore, placed for hearing.

4. Mr.L.B.Dabhi, learned AGP appearing for the respondent has submitted that on the date when the rule was issued by this Court i.e. 17.11.1987, the respondent has passed an order taking the petitioner back in his duty. He has further submitted that the judgment of the Hon'ble Supreme Court dated 2.11.1987 was not received from the Government Pleader appearing in the Hon'ble Supreme Court or from the Sub

Registrar of Hon'ble Supreme Court. It was brought to the notice of the State Government by the petitioner. However, after that order the Government has started taking action to reappoint the petitioner to the original post and order was passed on 16.11.1987 i.e within two weeks time of the order passed by the Hon'ble Supreme Court and hence no grievance survived. Mr.Dabhi, has placed copy of the order of the respondent passed on 16.11.1987. He has, therefore, submitted that the grievance raised by the petitioner does not survive and petition may accordingly be disposed off.

5. After having considered the petition as well as the order passed by the respondent for reappointment of the petitioner pursuant to the order passed by the Hon'ble Supreme Court and after having heard the learned AGP, the Court is of the view that the respondents have

complied with the order passed by the Hon'ble Supreme Court and reappointment order was issued within two weeks from the date of the order passed by the Hon'ble Supreme Court. Hence, the grievance raised by the petitioner is redressed. The petition has, therefore, become infructuous. The petition is accordingly disposed off. Rule is discharged without any order as to costs. Liberty is granted to move this Court in case of difficult or if need so arises in future.

(K. A. PUJ, J.)

kks